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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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11 STANLEY M. THORNS,

12 Plaintiff(s),

13 v.

14 REPUBLIC SERVICES,

15 Defendant(s).

2:12-cv-01466-JCM-NJK

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

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17 Plaintiff Stanley M. Thorns is proceeding in this action *pro se*. Because the Court granted
18 Plaintiff's request to proceed *in forma pauperis*, the Court screened the complaint pursuant to 28
19 U.S.C. § 1915(e). Docket No. 6. The Court found that Plaintiff's complaint was deficient because
20 Plaintiff failed to state a claim for which relief could be granted. *Id.* at 2-3. The Court granted
21 Plaintiff leave to amend his complaint, requiring that an amended complaint be filed no later than
22 November 7, 2013. *Id.* at 4. The Court indicated that "[f]ailure to comply with this Order will result
23 in the recommended dismissal of this case, without prejudice." *Id.*

24 To date, the Court has not received an amended complaint or a motion to extend the deadline
25 for filing one.

26 In addition, notice of the Court's order screening Plaintiff's complaint was returned to the
27 Court as undeliverable. *See* Docket No. 10. As such, it appears that Plaintiff has moved without
28 updating his address with the Court. Pursuant to Local Special Rule 2-2, plaintiffs "shall

1 immediately file with the Court written notification of any change of address. . . . Failure to comply
2 with this Rule may result in dismissal of the action with prejudice.”

3 Accordingly, **IT IS THE RECOMMENDATION** of the undersigned United States
4 Magistrate Judge that this case be **DISMISSED** without prejudice.

5 **NOTICE**

6 Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation must**
7 **be in writing and filed with the Clerk of the Court within 14 days of service of this document.**

8 The Supreme Court has held that the courts of appeal may determine that an appeal has been waived
9 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
10 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2)
11 failure to properly address and brief the objectionable issues waives the right to appeal the District
12 Court’s order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951
13 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.
14 1983).

15 DATED: November 8, 2013

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19 NANCY J. KOPPE
20 United States Magistrate Judge
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